

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kent Richard Jones,

Plaintiff,

v.

Civ. No. 05-331 (JNE/JGL)
ORDER

John Stuart,

Defendant.

This case is before the Court on a Report and Recommendation issued by the Honorable Jonathan Lebedoff, Chief United States Magistrate Judge, on August 2, 2005. The magistrate judge recommended that Defendant's motion to dismiss be granted, Plaintiff's motion for summary judgment be denied, and this action be dismissed with prejudice. Plaintiff has objected to the Report and Recommendation and Defendant has responded. The Court has conducted a de novo review of the record. Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's motion for summary judgment [Docket No. 13] is DENIED.
2. Defendant's motion to dismiss [Docket No. 4] is GRANTED.
3. Plaintiff's complaint [Docket No. 1] is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 26, 2005

s/ Joan N. Erickson
JOAN N. ERICKSEN
United States District Judge